

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT EYLER,)
)
Plaintiff,) Civil Action No. 21-1058
)
v.) Judge Cathy Bissoon
)
GARRISON PITTSBURGH)
MONROEVILLE OPCO LLC,)
)
Defendant.)

ORDER

Defendant's Motion to Dismiss (Doc. 10) will be denied. Plaintiff is a wheelchair user, and Defendant is a hotel operator. Plaintiff alleges that Defendant failed to provide guest rooms with accessible sleeping surfaces, in violation of the ADA. (Doc. 1).

In cases like this one, courts first consider whether "there is a regulation that governs the specific violation alleged." Migyanko v. Aimbridge Hosp., LLC, No. 2:20-cv-1095-NR, 2022 U.S. Dist. LEXIS 20892 at *5 (W.D. Pa. Feb. 4, 2022) (J. Nicholas Ranjan, D.J., presiding); *accord* Mullen v. Concord Hosp. Enters. Co., LLC, No. 2:20-cv-01530-RJC, 2022 U.S. Dist. LEXIS 18312 at *18-19 (W.D. Pa. Feb. 1, 2022) (Robert J. Colville, D.J., presiding).

Where, as here, there is a lack of specificity in the existing regulations, courts will analyze the case according to the general accessibility mandate, 42 U.S.C. §12182(a). *See* cases just cited.

Motions with materially identical legal issues have been litigated in the cases of Migyanko and Mullen. In well reasoned decisions, those motions were denied, and the cases were allowed to proceed under the general accessibility mandate. The prior decisions' analyses

will not improve through repetition, they are adopted as the opinion of the Court here and
Defendant's Motion to Dismiss (**Doc. 10**) is **DENIED**.

IT IS SO ORDERED.

April 6, 2022

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record